

Notice of Allowability

Application No.

10/710,254

Examiner

Scott Bauer

Applicant(s)

GEMME ET AL.

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment of 1/30/2206.
2. ☒ The allowed claim(s) is/are 12-22.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 6/29/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Larry Hume, Reg. No. 44,163 on 4/10/2006.

2. In Lines 2 & 3 of Claim 12 the phrase, "aimed at managing" has been removed and replaced with the phrase --for managing a--.

Information Disclosure Statement

3. In view of Applicant's statement on page 6 of the Amendment filed 1/30/2006, all references cited on the IDS have been considered based on their inclusion in the ISR of the parent PCT application. As such the objection to the references DE-850018, DE-1050430, and DE1191884 have been withdrawn.

Drawings

4. The drawings were received on 1/30/2006. These drawings are accepted.

Response to Arguments

5. Applicant's arguments, see page 7 of the Amendment, filed 1/30/2006, with respect to Claims 1-11 have been fully considered and are persuasive. The rejection of Claims 1-11 has been withdrawn as the claims have been canceled.

6. Applicant's arguments, see pages 8 & 9 of the Amendment, filed 1/30/2006, with respect to Claims 12-22 have been fully considered and are persuasive. The claims are novel and non-obvious over the prior art of record.

Discussion of the Prior Art

7. Claims 12-22 are allowed.

8. The following is an examiner's statement of reasons for allowance:

9. As stated in the previous office action, Kortschinski in view of Sanford and further in view of Puccinelli et al. teaches a fault current limiting system comprising fast switching means, a current path comprising a limiting fuse that is parallel to the switching means, a switching system to replace blown fuses with an unblown fuse after a fault condition, and a control unit which receives signals indicative of starting fault conditions and sending a switch command to the switching means when the fault current is above a threshold.

10. The prior art of record does not teach that a circuit breaker separate from the switching means for managing current breaking operation on a power distribution line in absence of a fault wherein the breaker receives commands from a control unit wherein the control unit estimates the amplitude of the fault current and sends open commands to the breaker and the switching means when the fault current rises above a predefined threshold and the control unit sends an opening command only to the circuit breaker when the fault current remains below the predetermined threshold.

11. Perichon (US 2002/0097542) teaches an electric distribution Device wherein a first (8) and second (12) breaking means are driven by control units (9 & 13). The first breaking means is opened when a current threshold is exceeded and the second breaking device opens when the current in the second device is lower than a second threshold. However, Perichon does not teach the use of the switches with a fuse element or that both breakers are driven together when a first voltage is exceeded but that only one breaker is driven when a lesser voltage is exceeded. As such, there would be no motivation to combine Kortschinski in view of Sanford and further in view of Puccinelli with Perichon, nor would the combination teach the invention of Claim 12.

12. Claims 13-20 are allowable as they depend from Claim 12, which is also allowable.

13. Claims 21 & 22 are allowable for the same reasons as Claim 12 as subject matter of both claims are in parallel to the subject matter of Claim 12.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Bauer whose telephone number is 571-272-5986.

The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 571-272-2058. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAB
04/11/2006



PHUONG T. VU
PRIMARY EXAMINER